

REMARKS

This Amendment is responsive to the Office Action dated April 5, 2007. Applicant thanks the Examiner for carefully considering the application.

Claims 20-31 were pending. By way of this reply, new claim 32 has been added. Thus, claims 20-32 are currently pending. Claims 20, 28, and 32 are independent.

Claims 20-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,758,257 (“Herz”) in view of U.S. Patent No. 5,671,411 (“Watts”). The rejection is respectfully traversed because for at least the following reasons, Herz and Watts, whether considered separately or in combination, fail to disclose or suggest the claimed invention.

The claimed invention is directed to a method for displaying a TV program to a viewer. Independent claims 20 and 28 each require, in part, “presenting the viewer with a list of TV programs available for viewing, the programs selected and *arranged* in accordance with the viewer characteristics information *profile*.” Advantageously, the viewer characteristics information profile not only helps the viewer select the programs, but also *arranges* the programs in a certain order.

Herz and Watts, whether considered separately or in combination, fail to disclose or suggest at least the above-mentioned limitations.

In the instant Office Action, the Examiner agrees that Herz does not teach the above-mentioned limitations. However, the Examiner asserts that Watts discloses such limitations, and that Watts and Herz can be combined. Applicant respectfully disagrees.

Watts is directed to a method of searching an audio/visual programming *database* based on selected criterion using a *computer* (*see, e.g.,* Abstract). In particular, col.3, lines 22-24 of Watts teaches:

... Finally, the **database can even be obtained** from “off-the-air” broadcast through the tuner 24 in accordance with the teaching of U.S. Patent No. 4,706,121. ... (Emphasis added).

However, U.S. Patent No. 4,706,121, referenced by Watts, states (*see, e.g.,* the Abstract):

... The Schedule information for the selected programs is **stored in a memory** (111), and is used by the data processor (110) to control a programmable TV tuner (132) to provide the broadcast signals for the selected programs to the TV receiver (126) at the time of broadcast. ... (Emphasis added).

Thus, Watts (even if combined with U.S. Patent No. 4,706,121) discloses nothing more than a computer searching algorithm for a database stored in a medium, which happens to contain audio/visual programs.

In the instant Office Action, the Examiner asserts that col. 3, lines 40-67, col. 4, lines 21-65, and col. 5, lines 1-25 of Watts disclose “arranging a listing of programs according to a subscriber criteria, i.e. profile.” Applicant respectfully disagrees.

Col. 3, lines 40-67 of Watts merely discloses using “search criterion” and “sub-criteria” such as “stations,” “station codes,” “day of week,” “name of an actor or actors, director, and a title of a particular movie or show,” etc., to *search the database*. Contrary to the Examiner’s assertions, Watts does not teach “arranging a listing of programs” or the “subscriber criteria” as asserted in the instant Office Action, and fails to disclose at least the claimed limitations that “the programs selected and *arranged* in accordance with the viewer characteristics information *profile*.” Indeed, Watts is silent with respect to how the search output is arranged, let alone “*arranged* in accordance with the viewer characteristics information *profile*” as claimed.

Further, it is respectfully submitted that the instant Office Action has incorrectly equated the “search criteria” of Watts to the purported “subscriber criteria,” which is further incorrectly equated to the claimed “viewer characteristics information profile.” Watts merely teaches database searching criteria as specified by a database user, which are clearly different from the claimed “viewer characteristics information profile.” There is no support in the cited references for such conclusions in the instant Office Action.

Furthermore, col. 4, lines 21-65 of Watts, relied upon by the Examiner, merely discloses that the user selects all the desired search criterion and sub-criterion by *clicking the mouse*, and

again has nothing to do with “arranging a list programs,” nor does it have anything to do with “subscriber criteria” as the Examiner has asserted.

Moreover, col. 5, lines 1-35 of Watts, also relied upon by the Examiner, merely discloses logical relations among the search criteria, and again has nothing to do with “arranging a list programs,” nor does it have anything to do with “subscriber criteria” as the Examiner has asserted.

Indeed, the entire disclosure of Watts is completely silent with respect to the claimed method having programs “arranged in accordance with the viewer characteristics information profile.” Thus, Herz and Watts, even if combined, failed to disclose or suggest such claimed limitations.

Applicant further respectfully submits that there is no reason given in the instant Office Action for any motivation, suggestion or teaching to combine Watts with Herz. The instant Office Action refers to col. 1, line 35 through col. 2, line 10 of Watts, and asserts that the combination is “at least for the improvement of allowing the viewer to see the list of programs in the order which he would most likely be interested.” However, col. 1, line 35 through col. 2, line 10 of Watts merely summarizes methods for searching a database using a computer, and has nothing to do with “the list of programs in the order” as asserted in the instant Office Action. As discussed above, Watts is directed to searching a database using a computer controlled by a user through manually clicking the mouse, and has nothing to do with the claimed method having programs “arranged in accordance with the viewer characteristics information profile,” and thus

cannot have supplied a motivation or suggestion to combine with Herz to modify the teachings of Herz to have a user manually selecting criteria on a computer.

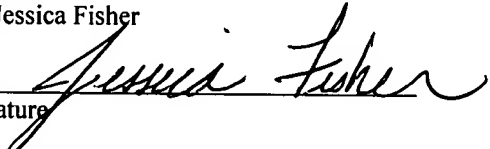
In view of the above, Herz and Watts, whether considered separately or in combination, fail to disclose or suggest at least the above-mentioned claim limitations. Further, there is no motivation or suggestion to combine Herz and Watts. Thus, independent claims 20 and 28 are patentable over Herz and Watts for at least the reasons set forth above. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of the rejection of claims 20-31 is respectfully requested.

New claim 32 recites that the list is arranged without viewer input, in addition to all the limitations of claim 28, and thus is patentable for at least the reasons discussed above with respect to claim 28.

CONCLUSION

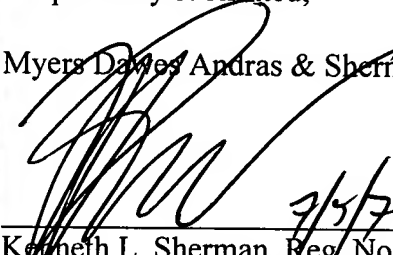
In view of the foregoing amendments and remarks, Applicant respectfully requests that the rejections of the claims be withdrawn, and that the case be passed to issue. If the Examiner feels that a telephone interview would be helpful to the further prosecution of this case, Applicant respectfully requests that the undersigned attorney be contacted at the listed telephone number.

Please direct all correspondence to **Myers, Dawes Andras & Sherman, LLP**, 19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

<p align="center"><u>Certificate of Mailing</u></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: July <u>5</u>, 2007.</p> <p>By: Jessica Fisher</p> <p>Signature </p>
--

Respectfully submitted,

Myers Dawes Andras & Sherman, LLP


7/5/7
Kenneth L. Sherman, Reg. No. 33,783
19900 MacArthur Blvd., 11th Floor
Irvine, CA 92612
Tel: (949) 223-9600
Fax: (949) 223-9610
USPTO Customer No.: 23386